

Final Statement of Chair Brownsberger

I joined the Sex Offender Registration Board's statement on the issue of actuarial analysis and data collection, because I believe it is well-grounded in reality and practicality. I do believe the science behind the statement by Commissioner Guidry, Kinscherf, Knight, and Levy on these issues: If one wants to predict the recidivism of offenders with known histories, one will get the best results by using a vetted quantitative instrument .

I was unable to join the recommendation that the SORB move to such an approach and/or, at a minimum, lay the empirical foundation for doing so by collecting more data, for the following reasons:

1. The greatest challenges in assessing recidivism risk are (a) actually ascertaining the offender's true history and (b) monitoring changing dynamic risk factors. The SORB has a substantial backlog in the primary task of assembling and vetting the facts of hundreds of cases.
2. While a retrospective or prospective study of the SORB's predictive accuracy would be of substantial academic interest, it would inevitably add to the overload of SORB and especially of SORB's management team. Now does not seem like a prudent time to undertake such a study.
3. Additionally, I was unconvinced that the incremental predictive accuracy afforded by a more quantitative methodology would be material. No predictive methodology offers high accuracy. It seems more important for the SORB to maintain its focus on getting the facts right than to add quantitative methods that offer little incremental benefit over getting the facts right in the first place.
4. Further, I was unconvinced that the research science has a handle on offense severity. From the standpoint of the public, the probability of re-offense is not the only variable that matters. The other variable is the severity of the offense that is likely to be committed. Researchers have not operationalized severity. Researchers could, of course, easily define an operational scale of severity, and, if they did so, the quantitative approach would optimize the predication of that scale. However, that operationalization would have no political legitimacy – there is no public agreement (and never will be) on how to weigh the relative severity of different sex offenses.
5. Finally, in a practical sense, the impact of marginally improving accuracy in our ranking of offenders is much less than the impact of the policy choices we make about how to handle offenders at different points on the scale: Should medium risk offenders – the middle 50% of those coming before the SORB (ranked by whatever methodology) – be up on the internet? How does the public safety benefit of having them there compare to the possible increase in recidivism risk that results from marginalizing them? As a commission, we did not reach these larger issues.

I was very grateful to all the members of the commission for all of their thoughtful contributions over the course of our meetings. We did not reach consensus, but we moved understanding forward.